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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/028,731	12/28/2001	I-Teh Chang	007198-448	4067

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11/14/2003

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EXAMINER

WEAVER, SUE A

ART UNIT	PAPER NUMBER
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3727

DATE MAILED: 11/14/2003

9

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application N .

10/028,731

Applicant(s)

CHANG, I-TEH

Examiner

Sue A. Weaver

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 03 September 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 21-40 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) 34 and 35 is/are allowed.
- 6) ☒ Claim(s) 21-32 and 36-39 is/are rejected.
- 7) ☒ Claim(s) 33 and 40 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 28 December 2001 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. §§ 119 and 120

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ 6) ☐ Other: _____

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1. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the general longitudinal direction, the convergent direction and the divergent direction of the strap portions claimed in claim 22, and the longitudinal direction and the opposite direction of the strap portions, claimed in claim 23, must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

2. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

Claim 23 and thus 24-26, are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention. It isn't clear how applicant considers the distal sections of the strap to extend in a direction "opposite" to the direction of extension of the proximal section, as claimed in claim 23. Opposite is generally considered 180 degrees as in south being opposite to north. Applicant does not appear to have shown a strap construction where the distal section extends 180 degrees from the proximal section.

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 21, 30 and 31 are rejected under 35 U.S.C. 102(b) as being anticipated by McBain, of record.

McBain teaches a shoulder strap support for carrying items which is considered to include a shoulder engaging portion as at 20b and first and second strap portions at the ends of the shoulder engaging portion. The proximal section of the first and second strap portions are clearly directed toward the centerline of the body to direct the weight in that direction, as shown in Figures 2 and 3. The distal sections as at 22b, 23b are directed away from the centerline of the body as also shown in Figures 3 and 3.. Further the configuration of the strap support is considered to resemble two boomerangs connected together, as shown in Figure 4. Clearly the first and second strap portions are symmetrical about the center of the shoulder engaging portion.

4. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Claims 22, 23-24, insofar as they are understood, 26, 27 and 29 are rejected under 35 U.S.C. 103(a) as being unpatentable over McBain.

The portion at 35b of the shoulder engaging portion of the strap is considered to be curved as shown in Figure 2. With such a curved configuration the proximal portions

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of the strap support are curved at the point or outside edge to be directed away from the general longitudinal direction of the shoulder engaging portion. With such a curvature the end portions at 22b and 23b would be curved back toward the direction of extension of the shoulder engaging portion. Curved edge 25b defines a recess towards the neck. In any event to have provided such a curvature to prevent contact with then neck would have been obvious. Note that the embodiment of the support shown in Figure 1 which has slots for strap connections is capable of being reversed on the strap as claimed. The arcuate portion at 25 or 25b is considered to provide a substantially W shaped configuration, as claimed.

5. Claims 25 and 28 are rejected under 35 U.S.C. 103(a) as being unpatentable over McBain as applied to claims 24 and 27 above, and further in view of Kawaguchi '490, of record.

To have provided the strap with a friction surface to prevent sliding would have been obvious in view of Kawaguchi. With one surface provided with a fictional surface the other surface is considered to be the opposite in character in the manner disclosed by Kawaguchi.

6. Claims 32 and 36-39 are rejected under 35 U.S.C. 103(a) as being unpatentable over the references as applied to claims 21, 27 and 29 above, and further in view of Mayers, of record.

To have provided tow of the strap with fasteners at the distal end sections so that the strap might be doubled with another for use in either a single strap system or a double strap system would have been obvious in view of such teaching by Mayers at 18

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and 26. Furthermore to have used such a strap system to carry a golf bag would also have been obvious in view of Mayers.

7. Claims 33 and 40 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

8. Claims 34 and 35 are allowed.

9. Applicant's arguments with respect to claims 21-32 and 26-39 have been considered but are moot in view of the new ground(s) of rejection.

Therefore claims 21-32 and 36-39 have been rejected while claims 1-20 have been cancelled, claims 33 and 40 have been objected to and claims 34 and 35 allowed.

10. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Kawaguchi '882 shows a shoulder strap design.

11. The following are suggested formats for either a Certificate of Mailing or Certificate of Transmission under 37 CFR 1.8(a). The certification may be included with all correspondence concerning this application or proceeding to establish a date of mailing or transmission under 37 CFR 1.8(a). Proper use of this procedure will result in such communication being considered as timely if the established date is within the required period for reply. The Certificate should be signed by the individual actually depositing or transmitting the correspondence or by an individual who, upon information and belief, expects the correspondence to be mailed or transmitted in the normal course of business by another no later than the date indicated.

Certificate of Mailing

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to:

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

on _____.
(Date)

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Typed or printed name of person signing this certificate:

Signature: _____

Certificate of Transmission

I hereby certify that this correspondence is being facsimile transmitted to the United States Patent and Trademark Office, Fax No. (703) _____ - _____ on _____.
(Date)

Typed or printed name of person signing this certificate:


Signature: _____

Please refer to 37 CFR 1.6(d) and 1.8(a)(2) for filing limitations concerning facsimile transmissions and mailing, respectively.

12. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sue A. Weaver whose telephone number is (703) 308-1186. The examiner can normally be reached on Tuesday-Friday.

— The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-1148.


Sue A. Weaver
Primary Examiner

SW